IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.7769 of 1998

Dated: 02-02-2007

Between:

G. Krishnaiah, s/o Yellamanda,
aged about 45 years,
residing at Bodhan,
Nizamabad District.

... Petitioner

and

1. The Government of Andhra Pradesh
   Prohibition and Excise Department,
   Secretariat, Hyderabad, rep.by its
   Secretary to Government and 4 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring Rule 5 of G.O.Ms.No.16 Revenue (Ex.II), dated 12-01-1995, as illegal, arbitrary and violative of Article 300-A of the Constitution of India and consequently direct the respondents to pay compensation of Rs.1,13,000/- with interest from 10-02-1995.

2. Heard learned counsel for the parties.

3. It is stated that when the very same Rule i.e., Rule 5 of the aforesaid G.O. came up for debate, a Division Bench of this Court by order dated 26-09-2003 passed in W.P.No.19473 of 1995 upheld the said Rule and thus dismissed the said writ petition.

4. In the light of the same, this Court cannot take a different view than the view taken by the Division Bench of this Court.

5. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.02-02-2007
GLV